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DEPT. OF TRANSPORTATION  
DOCKETS

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**Chevron**

June 18, 1999

Re: Docket number, RSPA-99-5013 (HM-229)-34  
DOT Form F-5800.1 Revisions

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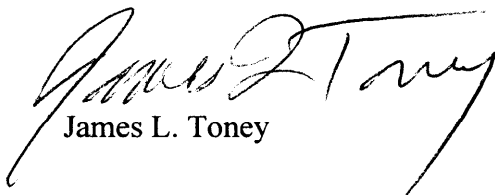
Following are the consolidated comments from the Chevron Products Company concerning the DOT Form F-5800.1 revisions. Chevron reaps many benefits from the information gathered on the DOT Form F-5800.1. We routinely review the root cause of previous incidents tabulated on the form to help us improve the safety of the containers we use and place in commerce. We want to keep the form as simple and concise as possible while providing the information we need to improve safety.

It is important that the revisions to the form be made only if there is a demonstrated improvement in safety. We are concerned the revisions may result in gathering information for information's sake. As an example you say that there is a problem with truck safety and you ask for more information, yet there is no indication how the information will be interpreted or used.

We are concerned about the purpose for these revisions. You say in the summary, "clear rules will improve compliance and enforceability". We would prefer that the focus of the revisions the form be the improvement of transportation safety and a reduction transportation incidents.

We support expanding the reporting requirements to shippers and receivers. The person that has custody of the hazardous material and is performing a transportation function such, as loading, unloading and storage incident to transportation, is more aware of the incident than the carrier. Our concern here is the multiplicity of reports that will have to be made for an onsite incident. Will the DOT Form F-5800.1 just be another form going to regulatory agency? The suggestion that allows the electronic filing of the DOT Form F-5800.1 will help the reporters, as long as the form is simple, concise and we get a notice that you received the form.

Thank you for considering these comments. Our responses to your questions are shown below in underlined Italics.



James L. Toney

## Answers to Questions

### General Issues

1. Should the hazardous materials incident reporting requirements be extended to persons other than carriers (such as freight forwarders, warehouse operators, consignees, etc.)? Yes. We support the expansion of reporting requirements to shippers and receivers while the person that has custody of the hazardous material is performing a transportation function such as loading, unloading and storage incident to transportation.
2. Should RSPA require reporting of any incident involving discovery of an undeclared shipment of a hazardous material whether or not there is a release of the hazardous material? Yes, any shipper, carrier, warehouse or consignee should notify the DOT immediately of violation of transportation regulation. Should the expanded requirement apply only to incidents discovered by a carrier during transportation? See above. Should the expanded requirement apply to discovery by a consignee or other person during or following delivery of the material? Yes. see above.

### Telephonic Notification (see Sec. 17 1.15)

3. Currently, immediate notification is required for incidents where estimated carrier or other property damage exceeds \$50,000. Is this monetary reporting threshold reasonable? Should it be modified or eliminated? If modified, to what amount? Why?
4. Should any other current requirements for immediate notification be modified or eliminated? If so, explain your suggested modification, the reasons for the modification, and anticipated impacts.
5. Should RSPA require immediate telephonic notification for any other type of incident?
6. In addition to notifying the National Response Center, should a carrier also be required to give immediate telephonic notification of an incident to the person who offered the hazardous material for shipment? Yes, it is very important for the carrier to notify the shipper immediately of any incidents. The shipper has the knowledge of the material's environment, health and safety concerns for the material and they have the knowledge to help mitigate the incident. There is also the business reason of notifying the consignee that their shipment may not arrive on time.
7. If an incident requiring immediate telephonic notification occurs at the location of an offeror or consignee, should the offeror or consignee be required to provide the notification? Yes. Should such notification be in addition to, or instead of notification from the carrier? Instead of the carrier. What would be the usefulness and burdens associated with such a requirement?

### Written Reports (see Sec. 17 1.16)

8. Is the current regulatory language clear as to when a written incident report is required? If not, what changes should RSPA make?

9. To provide a broader perspective for risk management in more critical hazardous material transportation situations, should additional information be collected through the incident reporting system to document successful performance and better gauge the integrity of packaging? No, only ask for pertinent information, keep it short and simple so people won't fee/ that it is a burden to report. For instance, should information be collected on certain highway accidents whether or not a hazardous material has been released? NO. Would an appropriate definition of "accident" for reporting purposes be "any collision, rollover, jack-knife, or departure from the roadway"? Should additional reporting be limited to certain packagings or materials such as, Cargo tanks, portable tanks, and IM portable tanks with a capacity greater than 1000 gallons; Cylinders containing flammable gas with a water capacity greater than 100 pounds; Explosives in packaging greater than 50 pounds; or Toxic-by-inhalation liquids or gases in any quantity and packaging? Should such additional reporting be limited to situations where there is exposure to fire or damage to the packaging? Should reporting be required for railway accidents that do not involve the unintentional release of hazardous materials, or do mechanisms exist to adequately capture this information apart from DOT Form F 5800.1?

10. Should RSPA expand the exceptions in Sec. 171.16(c) to include any other hazardous material; class, division, or packing group; or quantity limitations? If so, indicate the exception and why.

11. Is there a spill quantity of an excepted material that should trigger incident reporting? For example, a spill of paint from a packaging with a capacity of less than 5 gallons is not reportable. Should a spill of a certain quantity of hazardous material be reportable regardless of the capacity of the packaging in which it was contained (e.g., a release from numerous small packagings)?

DOT Form F 5800.1 (See Appendix)

12. Should RSPA develop an abbreviated incident report form for incidents of low severity? Yes. What criteria could be used as a threshold? What minimal information should be required for a **low** severity incident? Location, carrier, shipper, materials, cause of the package failure.

13. Should DOT Form F 5800.1 be structured to more accurately describe the cause and manner of a packaging failure? Yes. How could this be done to better capture human causal factors?

14. Would replacing the current check boxes on DOT Form F 5800.1, sections V 24 and VI 25 thru 29, with numerically coded responses or other means to better identify how the incident occurred, increase the difficulty or lengthen the time it takes to complete the report? Mixed blessings, we will get a lot of great information but the time will increase and there will possibly be more errors from selecting the wrong code. The codes could be used for the long form and check boxes for the abbreviated form

15. Would replacing the boxes on DOT Form F 5800.1, section VIII parts 4 1 thru 45, with numerically coded responses or other means to identify the reasons why the packaging failed, increase the difficulty or lengthen the time it takes to complete the report? Same as above.

16. What additional fields, if any, should be included on the report form to indicate the amount of hazardous material that was initially in the package?

17. Would the information required by section VII of the report form be easier to understand if column C was removed, column A was renamed "Inner Package", and column B was renamed "Outer Package"? Yes Why? So you don't have to decode the form every time you go to use it.

18. Should there be either separate sections on DOT Form F 5800.1 for reporting bulk and non-bulk packagings or a separate incident report form for these packagings? NO, it will just be more forms and more paper.

19. Should we require more specific incident location data, such as mile-post or street address, if available? The location information does not increase transportation safety and should be minimized not expanded. How difficult would it be to obtain and report this information? What additional benefit would the information provide?

20. How can better information be provided on DOT Form F 5800.1 as to the transportation phase of an incident (e.g., when the incident most likely occurred?)

21. Should RSPA require updates to Section V 18 through V 23, the incident consequences fields, if additional or better data are available after the incident report form was submitted to DOT? Should RSPA set an amount or percentage change to trigger filing of a supplemental report?

22. Should better information on release duration be collected (for example, the length of time a vapor is dispersed)? How could this be done?

23. How can RSPA acquire better information on failures, such as estimated dimensions of cracks or punctures?

24. What burden would you incur from a requirement to submit copies of photographs in your possession when specified criteria are met?

25. Should reporting of information concerning duration of an evacuation be included on the incident report form?

26. Should RSPA add an additional section to the incident report form to include information regarding who was injured or required hospitalization (e.g., general public, employees, or emergency response personnel)?

27. Should RSPA add a section to the incident report form to identify the UN packing group, if any, of the hazardous material and the packaging?

28. Are you aware of other Federal reporting forms that duplicate information required by DOT Form F 5800.1? If so, how could RSPA link the necessary transportation data to other required Federal reporting forms?

#### Customer Uses and Needs

29. What data and information do you use from the incident report form and for what purpose? Section VI Package Information, Section VII, Description of Packaging Failure, and Section IX, Description of Events. These Section help us to determine what we can do to select and prepare a package for shipment.

30. What additional data not now collected on the incident report form should be collected and for what purpose would it be used?

3 1. Should access to incident data be available via the Internet? YES If only select data could be provided because of cost or technology considerations, what data would be most useful to you?

Section VI Package Information, Section VII, Description of Packaging Failure, and Section IX, Description of Events.

32. RSPA is considering optional electronic filing of incident reports by facsimile (fax), electronic mail (e-mail), and Internet. YES. Do you have recommendations concerning implementation of electronic filing? Need to get confirmation that the report was received. Are there other means of electronic filing that RSPA should consider?

33. How would you use a tracking system for DOT Form F 5800.1 submissions and processing status?

#### National Transportation Safety Board (NTSB) Recommendations

Recommendation R-89-52 states that RSPA should: Establish procedures that require carriers reporting hazardous materials incidents under the provisions of 49 CFR 17 1.16 to notify shippers whose hazardous materials shipments are involved.

34. In accordance with NTSB recommendation R-89-52, what would be the potential benefits or impacts of requiring carriers (other than private motor carriers) reporting hazardous materials incidents under 49 CFR 171.16 to notify shippers whose hazardous materials shipments are involved in the incident being reported? From a product stewardship point of view, this would ensure we are notified when our product is released. Recommendation H-92-6 states that RSPA should: Implement, in cooperation with the Federal Highway **Administration**, a program to collect information necessary to identify patterns of cargo tank equipment failures, including the reporting of all accidents involving DOT specification cargo tanks.

35. In accordance with NTSB recommendation H-92-6, how could RSPA, in cooperation with FHWA, improve the current incident reporting program to collect information identifying patterns of cargo tank equipment failures, including reporting of all accidents involving a DOT specification cargo tank, whether or not a release occurred?